

REMARKS

This is a full and timely response to the final Office Action mailed on May 3, 2005 (Paper No./Mail date 050421). Claims 1-8 are pending in the present Application. Reconsideration and allowance of the Application and present claims are respectfully requested.

I. Priority

Applicants are not addressing the validity of all assertions made in the Office Action regarding the priority of this Application. Therefore, Applicants should be not presumed to agree with any statements made in the Office Action regarding the priority of the Application unless otherwise specifically indicated by Applicants.

II. Response to Claim Rejections Under 35 U.S.C. § 102

Claims 1-8 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,850,218 to *LaJoie, et al.* Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claims 1 and 5

Claim 1, as amended, recites:

1. A method implemented by a television set-top terminal ("STT") comprising the steps of:
 - providing a list of rentable video presentations by their respective titles;
 - receiving information corresponding to an expiration date for the rentability of the rentable video presentation after which date the video presentation will be removed from the list of rentable video presentations and is no longer available to be rented;
 - receiving viewer input configured to select one of the titles from the list of rentable video presentations for a reminder prior to any renting of the title through the STT;***
 - associating the selected rentable video presentation with a reminder list responsive to receiving the viewer input; and
 - responsive to associating the selected rentable video presentation with the reminder list and receiving information

corresponding to the expiration date for the rentability of the rentable video presentation, ***providing reminder information to the viewer prior to the expiration date and prior to any renting of the title through the STT***, the reminder information being configured to remind the viewer of the expiration date for the rentability of the rentable video presentation while the selected rentable video presentation remains available for rent via the STT.

(Emphasis Added)

Claim 5, as amended, recites:

5. A television set-top terminal (STT) comprising:
memory configured to store program code; and
a processor programmed by the program code to enable the STT to:

receive viewer input configured to select a rentable video presentation for a reminder prior to any renting of the video presentation through the STT;

associate a selected rentable video presentation with a reminder list responsive to ***receiving viewer input that is configured to select a rentable video presentation for a reminder prior to any renting of the video presentation through the STT;***

receive information corresponding to an expiration date for the rentability of the rentable video presentation after which date the video presentation will be removed from the list of rentable video presentations and is no longer available to be rented; and

provide reminder information to the viewer prior to the expiration date and prior to any renting of the video presentation through the STT, the reminder information being configured to remind the viewer of the expiration date for the rentability of the rentable video presentation while the selected rentable video presentation remains available for rent via the STT.

(Emphasis Added)

The Office Action alleged that *LaJoie* apparently discloses the following:

“For example, a user initially requests to rent “The Bridge of Madison County” starting at 8:00 PM. At a later point in time, the user accesses a form of “reminder list” reminding the user as to previous purchases whereupon the user changes their mind as to renting the particular movie. Upon returning to the “Now Showing” screen associated with the PPV channel, the user is ‘reminded’ while the ‘The Bridges of Madison County’ is playing that they must re-purchase the movie prior to the ‘expiration of rentability’ for that showing or 8:15 PM if they would like to change their mind again and watch that particular presentation.”

(Office Action, page 4)

Applicants have amended claims 1 and 5 to overcome *LaJoie*, which claims 1 and 5 now recite the features of receiving viewer input that is configured to select a rentable video presentation for a reminder prior to any renting of the video presentation through the STT and providing reminder information to the viewer prior to an expiration date and prior to any renting of the video presentation through the STT. The example provided of *LaJoie* appears to disclose purchasing a particular movie first and then providing the feature that “[reminds] the viewer to *re-purchase* the movie prior to the ‘expiration of rentability’” (Emphasis Added). Accordingly, Applicants respectfully submit that nowhere in *LaJoie* does it disclose and teach the features of receiving viewer input that is configured to select a rentable video presentation for a reminder prior to any renting of the video presentation through the STT and providing reminder information to the viewer prior to an expiration date and prior to any renting of the video presentation through the STT, as recited in claims 1 and 5. Accordingly, a *prima facie* case of anticipation cannot be established based on *LaJoie*. Applicants respectfully request that claims 1 and 5 be allowed and the rejection be withdrawn.

B. Claims 2-4 and 6-8

Because independent claims 1 and 5 are allowable over the cited art of record, dependent claims 2-4 and 6-8 are allowable as a matter of law for at least the reason that dependent claims 2-4 and 6-8 contain all features and elements of their respective independent base claims. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 2-4 and 6-8 should be withdrawn for at least this reason, among others.

CONCLUSION

Any statements in the final Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well-known since the final Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

Applicants respectfully maintain that the currently pending claims 1-8 are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**



Jeffrey R Kuester, Reg. No. 34,367
Attorney for Applicant

Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Parkway, NW
Atlanta, GA 30339
Ph: (770) 933 - 9500
Fax: (770) 951 - 0933